

BOARD OF BUILDING CODE STANDARDS AND APPEALS MINUTES

April 1, 2013

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Randy Harder, Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg

Present: Banuelos, Coonrod, Doeden, Harder, Redford, Webb, Wilhite

Staff Members Present: Rick Stubbs, Deb Legge, Bud Lett, Richard Meier, Elaine Hammons (MABCD); Jeff Van Zandt (City Law)

The regular meeting of the Board of Building Code Standards and Appeals was called to order by Chairman Coonrod on Monday, April 1, 2013, at 1:00 p.m., at the Wichita Area Builders' Association Offices, 730 N. Main, Wichita, Kansas.

Approval of the March 4, 2013, minutes.

Board Member Harder made a motion to approve the minutes for the March 4, 2013, minutes. Board Member Banuelos seconded the motion. The motion carried.

Chairman Coonrod asked the Board Members and City and County staff to introduce themselves to the public in attendance.

Public Agenda.

Sherry LaFond addressed the Board regarding her dissatisfaction with the procedures followed when she filed a complaint against a contractor with the Metropolitan Area Building & Construction Department/City. She said she has since resolved the issue with the property owner of a neighboring house, who had remodeled the neighboring structure during which time damages allegedly occurred to Ms. LaFond's property. Ms. LaFond told the Board that she felt a better process should be in place to handle complaints against contractors, and she said the City's assistance in the matter was inadequate.

Board Member Doeden asked Ms. LaFond what she considered the worst of the issues that she presented to the Board. Ms. LaFond said the worst issue in her opinion was the City having an "habitual offender" not obtaining permits until he is caught, and then MABCD/City allowing the contractor to obtain a permit after the fact.

Chairman Coonrod asked City staff to respond to Ms. LaFond's allegations against MABCD/City at the next regularly scheduled Board meeting.

Curt and Joe Warren, Warren Homes, LLC, addressed the Board requesting consideration of a variance on the width of attic access stairs in a garage structure. Mr. Curt Warren told the Board that he and his son, Joe, had tried to improve a situation that often occurred in new homes with attic access. He said that it fell in a "gray area" that needed to be addressed. Generally, a stationary stairway or a fold-down stairway is installed to provide access to the attic. Mr. (Curt) Warren said that they began buying and installing a better fold-down stairway because the less expensive ones were too narrow and unstable. Comparing the cost of the more expensive stairways to the cost of building a better, sturdier stationary stairway, Mr. (Curt) Warren said his company determined that it was a better product for the money to build the stairways for attic access. He said that the IRC does not specifically address the issue with the stairs. Although it is 30-inches wide instead of 36-inches wide, he would like the stairway to be accepted as equal to a fold-down stairway or ladder by considering the stationary stairway as attic access only and not access to habitable space.

Mr. Stubbs informed the Board that a committee made up of MABCD staff previously reviewed Mr. (Curt) Warren's request. He said that the IRC and IBC, both as amended by the City of Wichita and Sedgwick County, allow a great deal of latitude as far as providing access or maintenance to equipment that may be installed in an attic. The issue

could arise later if someone should covert the attic to habitable space without getting the required permit(s) and changing the stairs to meet the requirements for the conversion to habitable space.

Mr. (Curt) Warren said that the only thing the attic spaces were being used for was for storage. Equipment (heating and air conditioning equipment, for example) is installed in the homes as is normally done for a single-family dwelling. Mr. Joe Warren interjected that the fold-down stairs were also too heavy for many of the older homebuyers, and the stationary stairways were safer for them. What many of their homebuyers were requesting was extra storage space above the garage. The fixed stairways, he pointed out, are less space consuming, not as steep, and more stable.

Board Member Webb said that any future home owner should bear the obligation of taking action on bringing the width of the stairs into code compliance in the event the attic is finished for habitation.

Chairman Coonrod asked MABCD to provide a response at the regularly scheduled May meeting.

Condemnations:

Review Cases:

1. 3138 N. Park Place

There was no one present at the hearing to represent this property.

A one-story frame dwelling about 21 x 31 feet in size, the structure is vacant and open; it has rotted masonite siding; deteriorated composition roof with holes; deteriorated rear porch with rotted porch cover; rotted and missing fascia; and rotted framing members and wood trim.

The case was first brought before the Board at the March 4, 2013, hearing. At that hearing, Ms. Puga, the granddaughter of the deceased owner appeared on behalf of the property. The Board approved a motion that Ms. Puga determine a plan of action for the repair or demolition of the structure and payment of delinquent taxes, and reappear before the Board at the April 1, 2013, meeting to apprise the Board of her plan. In the interim, the property was to be maintained in a clean and secure condition.

The structure is secure. The 2009, 2010, 2011, 2012 taxes are delinquent in the amount of \$777.32, which includes Special Assessments and interest.

Board Member Harder made a motion to refer the property to City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the razing of the structure. Board Member Doeden seconded the motion. The motion carried.

Board discussion on the request by Tin Lu (Tin Lu dba American Midwest Construction) to reopen the case regarding the revocation of his Class B Contractor's License.

Mr. Stubbs gave a brief review of Mr. Tin Lu's request (Public Agenda) to have the case prompting the revocation of his Class B Contractor's License reopened. Board Member Webb made a motion to take no action on the request. Board Member Harder seconded the motion. The motion carried.

Discussion of 2012 IRC and 2012 IBC future review and adoption.

Mr. Lett explained to the Board that a committee had convened with the intention of reviewing the 2012 IRC and 2012 IBC. The IRC review is nearly complete, however, the committee has not started on the IBC. Due to the processes involved in the consolidation of the City of Wichita and Sedgwick County Code Enforcement departments, Mr. Lett expressed his concern that the time required for properly reviewing the codes could not be allocated at the present time. An immediate concern is the restructure of the permitting fees. The City and County each uses its respective

fee schedule as before the consolidation. The process of combining the separate fee tables into one to be used by the newly merged department is slated for study. Seeking the Board's approval, MABCD would want to defer the IRC and IBC reviews until the 2015 editions are published.

Board Member Wilhite made a motion that MABCD postpone reviews of the IRC and the IBC until the 2015 editions.

Mr. Lett reminded the Board that some issues will remain separate (City/County) because of the difference in Fire Code requirements between the two entities. The other codes (mechanical, plumbing, electrical) will be unified. Mr. Lett also told the Board that MABCD would welcome Board interpretations of code questions and variance matters.

Board Member Harder seconded the motion. The motion passed.

General Discussion

Chairman Coonrod suggested a general discussion time to cover questions the Board might have on the proper procedures for conducting the meetings. He said that he would like time to consider issues such as the variance request brought to the Board by Mr. Curt Warren during the Public Agenda portion.

Mr. Van Zandt said that any item before the Board on the Public Agenda could not be acted upon at that time. In order to vote on the action to be taken on issues such as variances, complaints, or licenses, they must be placed on the regular Board Agenda. Variance requests normally go to MABCD staff for consideration; if the request is turned down, the next step would be for the individual(s) making the request to appeal the staff decision to the Board.

Lonnie Wright, a citizen in attendance, asked whether the public was allowed to comment on items before the Board voted.

Mr. Van Zandt explained that once a motion was made by a Board Member, the Chairman should call for any desired discussion from the Board and then for any comments from the public. Once any discussion and/or comments have been expressed, the Chairman should call for a second to the motion. After the motion is seconded, the Chairman is to call for the vote.

Mr. Wright inquired about the time when code editions are published relative to the reviews. Mr. Stubbs clarified that the books for the new code cycle are typically published in March of the preceding year, citing an example of the 2015 edition being published in March of 2014. He said that the final code hearings for the 2015 code will be held in the later part of 2013.

Board Member Wilhite made a motion to adjourn the meeting. Board Member Redford seconded the motion. The motion was approved.

With no other business to conduct, the meeting adjourned at 2:00 p.m.